

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE JOHNSON & JOHNSON DERIVATIVE LITIGATION	Civil Action No. 10-2033 (FLW)
IN RE JOHNSON & JOHNSON FCPA SHAREHOLDER DERIVATIVE LITIGATION	Civil Action No. 11-2511 (FLW)
COPELAND v. PRINCE, <i>et al.</i>	Civil Action No. 11-4993 (FLW)

**DECLARATION OF STEPHEN M. GREENBERG**

STEPHEN M. GREENBERG, of full age, hereby declares as follows:

1. I am an attorney at law of the State of New Jersey, and am Counsel to the law firm of McElroy, Deutsch, Mulvaney & Carpenter LLP (“McElroy Deutsch”) located in Morristown, New Jersey. McElroy Deutsch employs approximately 210 attorneys in its New Jersey offices. I am fully familiar with the facts contained herein based upon my personal knowledge.
2. I am submitting this Declaration at the request of James E. Cecchi of the firm of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. (“Carella Byrne”), co-lead counsel for Plaintiffs in the above-captioned actions (the “Actions”).
3. I was admitted to the practice of law in the State of New Jersey in 1968. I have also been admitted to the following federal courts: District of New Jersey, Southern and Eastern Districts of New York, Northern District of Indiana, Central District of California.
4. In 1969, I became the Executive Assistant to the United States Attorney for the District of New Jersey. In this capacity, I oversaw trials in both criminal and civil matters.

5. In 1971, I formed the law firm of Robinson Wayne Greenberg and practiced law continuously until 2000, when I became the Chairman and CEO of Net2Phone, a leading telecommunications company, located in Newark, New Jersey. In my capacity as Chairman of Net2Phone, I routinely retained lawyers and law firms and, through my oversight of their billings for their work performed, I am fully familiar with rates charged for legal services in the metropolitan New York and New Jersey area.

6. In November 1996, I was appointed by U.S. District Judge Alfred M. Wolin to be the independent fee examiner for the \$2 billion class action settlement in *In Re: The Prudential Insurance Litigation*. In this capacity, for the benefit of the Court, I analyzed the fairness of Class Counsels' \$90 million request for fees.

7. In 2006, I joined McElroy Deutsch as Counsel to the firm.

8. In addition to being Counsel to McElroy Deutsch, I am also a mediator, and the Managing Partner of Pilgrim Mediation Group. In that capacity, I have substantial experience mediating and successfully resolving complex civil matters, including large-scale class actions and sophisticated securities class actions and shareholder derivative litigation. As a mediator in these matters, I have familiarity with lawyers who practice in the federal courts of New Jersey, New York and elsewhere, including a knowledge of billing rates and ranges for sophisticated, complex litigation.

9. In my capacity as a mediator, and as a fee examiner, I have examined attorney billing rates for firms in New Jersey and New York for a wide range of matters including complex class actions and securities class actions and shareholder derivative litigation.

10. Over approximately the past 33 years of practice in New Jersey, I have come to know the firm of Carella Byrne as a law firm which, among other things, represents clients in complex civil litigation, including securities class actions and shareholder derivative litigation.

11. Through my experience as a practitioner representing Fortune 500 companies, including Cendant, and mediating large-scale, complex civil matters, including securities class actions, I am also familiar with the firm of Bernstein Litowitz Berger & Grossman LLP (“Bernstein Litowitz”), one of the law firms representing Plaintiffs in the Actions herein.

12. I am personally familiar with the reputations of James E. Cecchi, Esq. (“Cecchi”) of Carella Byrne, and Max Berger, Esq. of Bernstein Litowitz as attorneys who regularly represent clients in complex civil litigation, venued in the federal and state courts of New Jersey. In my experience, Mssrs. Cecchi and Berger, and the lawyers working for them, consistently provide exceptionally high quality legal representation. Moreover, their willingness and capacity to prosecute cases aggressively and effectively is well-known among the corporate defense bar and, I believe, provides additional leverage to obtain the best available results for the shareholder classes they represent.

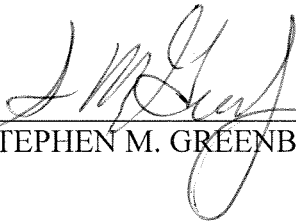
13. I have reviewed the hourly rates sought by Plaintiffs’ Counsel for services rendered to Plaintiffs by partners and associates. Those rates are set forth in Exhibit A hereto.

14. I have read all of Plaintiffs’ Counsels’ firm resumes, describing the skill, experience and reputation of Plaintiffs’ Counsel (ECF No.’s 192-4 through 192-9). Based upon my personal knowledge and review of these materials, I am convinced that all of the firms providing legal services to Plaintiffs in the Actions are high quality firms performing high quality work in a field that is, in many ways, highly specialized.

15. In my experience as a practitioner, mediator, client and fee examiner, the hourly rates being sought by Plaintiffs' Counsel for the services rendered to Plaintiffs in the above-referenced Actions are in line with the prevailing hourly rates currently being charged by New Jersey attorneys with comparable skill, experience, and reputation for legal services rendered in complex civil litigation in the federal and state courts in New Jersey.

16. My current hourly rate for legal services for matters litigated in New Jersey exceeds the highest hourly rate sought by any of Plaintiffs' Counsel in the Actions.

I hereby declare under penalty of perjury that the foregoing is true and correct.

  
STEPHEN M. GREENBERG

Dated: October 4, 2012

# EXHIBIT A

## ATTORNEY RATES

### Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.

<u>Name</u>	<u>Position</u>	<u>Years of Practice</u>	<u>Rate</u>
James E. Cecchi	Senior Partner	23	\$750
Lindsey H. Taylor	Partner	26	\$600
Caroline F. Bartlett	Partner	8	\$600
David Gilfillan	Partner	19	\$525
Donald A. Ecklund	Associate	11	\$495
Zach Bower	Associate	8	\$495
Audra Petrolle	Associate	3	\$475

### Bernstein Litowitz Berger & Grossman, LLP

<u>Name</u>	<u>Position</u>	<u>Years of Practice</u>	<u>Rate</u>
Max Berger	Senior Partner	40	\$975
Gerald Silk	Senior Partner	16	\$800
Mark Lebovitch	Partner	12	\$700
Amy Miller	Senior Counsel	10	\$575
Jeroen van Kwawegen	Senior Associate	8	\$500
John Mills	Senior Associate	9	\$550
Jeremy Friedman	Associate	4	\$440
Laurence Hasson	Associate	5	\$450
Thomas Keevins	Staff Attorney	9	\$395
Matt Mulligan	Staff Attorney	7	\$375
Spencer Oster	Staff Attorney	8	\$375

**Abraham, Fruchter & Twersky, LLP**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Years of Practice</u></b>	<b><u>Rate</u></b>
Jeffrey S. Abraham	Partner	25	\$795
Jack G. Fruchter	Partner	20	\$725
Mitchell M.Z. Twersky	Partner	20	\$725
Ximena R. Skovron	Associate	8	\$495
Philip T. Taylor	Associate	6	\$425
Arthur Chen	Associate	7	\$395
Kevin Rozzi	Associate	9	\$350

**Robbins Geller Rudman & Dowd LLP**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Years of Practice</u></b>	<b><u>Rate</u></b>
Darren J. Robbins	Partner	18	\$790
Travis E. Downs, III	Partner	22	\$725
David W. Mitchell	Partner	14	\$630
Darryl Alvarado	Associate	5	\$380

**Kantrowitz, Goldhamer & Graifman, P.C.**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Years of Practice</u></b>	<b><u>Rate</u></b>
Gary S. Graifman	Partner	31	\$735
Michael L. Braunstein	Senior Associate	15	\$595
Reginald H. Rutishauser	Senior Associate	22	\$595
William T. Schiffman	Associate	37	\$575

**Morris and Morris LLC**

<b><u>Name</u></b>	<b><u>Position</u></b>	<b><u>Years of Practice</u></b>	<b><u>Rate</u></b>
Karen Morris	Managing Partner	28	\$765
Patrick Morris	Partner	28	\$685
R. Michael Lindsey	Associate	23	\$625